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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,361	12/06/2000	Odie Kenneth Carter	27885	8111

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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,361

Applicant(s)

CARTER, ODIE KENNETH

Examiner

Michael C. Heck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-28 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The following is a First Office Action in response to the application filed 06 December 2000. Claims 1-34 are pending in this application and have been examined on the merits as discussed below.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 12 and 122. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

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on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Abstract exceed the 150-word limit.

4. The disclosure is objected to because of the following informalities:

- Page 9, line 9, delete "compartment per cabinet 12", and insert -- compartment per cabinet **22** --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, **claims 29 and 31** only recite an abstract idea. As to **claim 29**, the recited steps of (a) providing a storage space for at least one of the money tills, with access to the storage space being controllable; (b) receiving and storing authorization data; (c) accepting input data; (d) comparing the input data to the authorization data to produce one of a plurality of possible comparison results; (e) controlling access to the storage space based upon the comparison result; and (f) recording and storing information including and related to the input data does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for controlling storage and distribution of money tills, therefore, is deemed to be directed to non-statutory subject matter. As to **claim 31**, the recited steps of (a) receiving and storing authorization information; (b) receiving and storing a compartment status for each compartment and a till type for each money till; (c) accepting the input data; (d) comparing the input data to the authorization information to generate at least one of a plurality of possible

comparison results, with the possible comparison results including at least a first comparison result and a second comparison result; (d) allowing access to at least one of the compartments based upon generating the first comparison result; (e) disallowing access to at least one of the compartments based upon generating the second comparison result; and (f) recording and storing information, including the time of accepting the input data, with the information being referenced to the input data does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for controlling storage and distribution of money tills, therefore, is deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed

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invention produces controlled storage and distribution of money tills (i.e., repeatable, useful and tangible).

Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While claims 33 and 34 recite communicating via a portable signaling device, pager, this amounts to only communicating where nothing is done (i.e., computing) to breathe life into the invention.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, the same rejection as stated above for claims 29 and 31 applies to **claims 30, and 32-34.**

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 3, 29, and 30** are rejected under 35 U.S.C. 102(b) as being anticipated by Mardon (U.S. Patent 5,126,732). Mardon discloses a system, method, and computer program for managing storage and distribution of money tills comprising:

- **[Claim 1]** a housing substantially defining an interior space, the interior space being partitioned to provide a plurality of compartments, with each compartment operable to receive at least one of the money tills, there being at least one opening in the housing through which access to the

compartments can be controlled (col. 1, lines 10-16 and 39-63, Mardon teaches a storage system with adjacent bins, lockers or like compartments each one closed by a door and enabling any user to deposit or lodge objects such as luggage or parcels or packets into a selected bin, locker or like compartment. The system comprising a microprocessor that allows a user to compose a personal code that is transmitted to the microprocessor device which controls the locking of the lock of the door of the selected bin or locker. Mardon does not specifically teach each compartment operable to receive at least one of the money tills, however, the storage system of Mardon is capable of storing money tills. Therefore, the examiner interprets Mardon to teach the features of the claimed invention.);

- an input device operable to accept input (col. 1, line 64 through to col. 2, line 4, Mardon teaches the key-board enables the user to enter his personal code which is compared to the code memorized or stored in the storage of the microprocessor device which, after having verified the coincidence of both codes, would operate the unlocking of the lock of the door of the occupied bin or locker); and
- a controller operable to control access to the compartments through the opening by receiving the input and comparing the input to stored information to generate one of a plurality of possible comparison results and, upon generating at least a particular one of the comparison results, to allow access to the compartment (col. 1, line 64 through to col. 2, line 4, Mardon teaches the key-board enables the user to enter his personal code which is compared to the code memorized or stored in the storage of the microprocessor device which, after having verified the coincidence of both codes, would operate the unlocking of the lock of the door of the occupied bin or locker).
- **[Claim 3]** a plurality of doors hingedly mounted to the housing, with each door operable to open and close and thereby selectively restrict access to one of the compartments, and the controller being operable to open the doors to allow access to the compartments (col. 1, lines 39-63, and col. 2, lines 50-64, Mardon teaches a stowing or storage system with adjacent bins or lockers and the doors of which, in the closed position, are juxtaposed or arranged side by side to extend in a same front panel. Each door comprises a self-acting biasing device for automatically returning or moving the door back into the shut down closing position. Such drawback devices are already known per se and may for instance consist of a return spring arranged in coaxial relation to the door hinge and acting between the door and the door frame. The storage system comprises a plurality of adjacent bins each one of which is closed by a door, and a microprocessor device connected in particular through the agency of an input/output interface device to locks for opening and closing the doors of the bins or lockers.).

- **[Claim 29]** (a) providing a storage space for at least one of the money tills, with access to the storage space being controllable (col. 1, lines 10-16 and 39-63, Mardon teaches a storage system with adjacent bins, lockers or like compartments each one closed by a door and enabling any user to deposit or lodge objects such as luggage or parcels or packets into a selected bin, locker or like compartment. The system comprising a microprocessor that allows a user to compose a personal code that is transmitted to the microprocessor device which controls the locking of the lock of the door of the selected bin or locker. Mardon does not specifically teach each compartment operable to receive at least one of the money tills, however, the storage system of Mardon is capable of storing money tills. Therefore, the examiner interprets Mardon to teach the features of the claimed invention.);
- (b) receiving and storing authorization data (col. 4, line 50 to col. 5, line 17, Mardon teaches a user stows or stores objects in an empty locker. The user would compose by means of the key-board a personal secret code. The letter of the selected locker and the personal code composed by the user are transmitted to and stored in one of the random access memory storage RAMs of the microprocessor device which would then operate the locking of the lock of the door of the selected locker.);
- (c) accepting input data (col. 5, lines 23-55, Mardon teaches by means of the key-board, the user would strike the letter corresponding to the occupied locker and compose or enter by means of the key-board, the personal code he has chosen.);
- (d) comparing the input data to the authorization data to produce one of a plurality of possible comparison results (col. 5, lines 23-55, Mardon teaches the microprocessor device is adapted to compare the composed code to the one stored within one of the RAM storages.);
- (e) controlling access to the storage space based upon the comparison result (col. 5, lines 23-55, Mardon teaches that after having verified the coincidence between these two codes, the microprocessor would control the unlocking of the lock of the door of the occupied locker.); and
- (f) recording and storing information including and related to the input data (col. 1, lines 39-63, Mardon teaches the personal code is stored or memorized in a storage of the microprocessor device for the whole duration of occupation of the selected bin or locker.).
- **[Claim 30]** the information related to the input data including the time of accepting the input data (col. 3, lines 37-51, Mardon teaches the

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microprocessor is connected to an operating clock and is bi-directionally connected to a time base or timer, a memory or storage EPROM in which are stored various parameters such for instance as time values of the time base for the timer.).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mardon (U.S. Patent 5,126,732). Mardon discloses the controller controlling access through the front opening (col. 2, lines 50-64, Mardon teaches The storage system comprises a plurality of adjacent bins each one of which is closed by a door, and a microprocessor device connected in particular through the agency of an input/output interface device to locks for opening and closing the doors of the bins or lockers.). However, Mardon does not expressly disclose the housing presenting a front opening and a back opening. However, the examiner takes Official Notice that a housing presenting a front opening and a back opening is old and well known in the art. For example, post office boxes in a Post Office have controlled access from the front or customer side and access from the back side for distributing mail to the customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to use a housing

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that presents a front opening and a back opening since it is old and well known in the art to use pass through openings such as those used by the Post Office.

Allowable Subject Matter

10. **Claims 4-28** are allowed.
11. **Claims 31-34** would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 101 as set forth in this Office action.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Meyers (U.S. Patent 4,752,874) discloses a cash drawer/operator identification for encoding cash tills for the purpose of automating cash till reconciliation and operator sign-in.
 - Warfman (U.S. Patent 4,967,576) discloses a security cabinet, in particular for the management of means of access or other controlled-use objects.
 - Brandt et al. (U.S. Patent 4,839,505) discloses an apparatus and method for storing and retrieving articles.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch
28 September 2004


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600